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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,738	11/15/2001	Il Gwon Kim	041501-5415	7445
9629	7590	09/23/2003		6
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER	
			TRAN, BINH X	
ART UNIT	PAPER NUMBER			
			1765	

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)
	09/987,738	KIM, IL GWEON
	Examiner Binh X Tran	Art Unit 1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 August 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-2, 4-6, 8 is/are allowed.
- 6) Claim(s) 3 and 7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 8-1-2003. These drawings are acceptable.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3, 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the amended claims 3 and 7, the examiner cannot find the support for the limitation "the second insulating film and the nano-crystalline silicons are etched such that the second insulating film and the nano-crystalline silicons have a height of about 10 nm after the etching step" (emphasis added) in the specification.

Allowable Subject Matter

4. Claims 1-2, 4-6, 8 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: With respect to claims 1-2, 4, the cited prior arts fail to disclose the step of partially etching the second insulating film and the nano-crystalline silicon and oxidizing

the surface of the etched nano-crystalline silicons. The closest prior arts (Madhukar) teach to react the nano-crystalline silicons with oxygen before the etching step. With respect to claims 5-6 and 8, the examiner has provided the reasons for indication of allowable subject matter in previous office action.

Response to Arguments

5. Applicant's arguments filed 8-1-2003 with respect to claims 1-2, 4 is persuasive. Therefore, the examiner withdraws the rejection with respect to the above claims.
6. The applicants amended claims 3 and claim 7. According to applicants the amended subject matter of claims 3 and 7 is fully supported by the specification in page 10 line 4 to page 11 line 6. The examiner disagrees. The examiner has reviewed the above section point out by applicants. However, the examiner is unable to find the support that "the second insulating film and the nano-crystalline silicons have a height of about 10 nm after the etching step". In page 11 lines 4-6, the applicants wrote, "As shown in Fig 2c, the first oxide film 34 and the nano-crystalline silicons 33 are etched by about 10 nm by chemical mechanical polishing (CMP) process" (emphasized added). The examiner interprets that the applicants only disclose the total thickness to be etched for both layers (i.e., first oxide film 34 and nano-crystalline silicon 34) is 10 nm. The applicants never disclose the specific thickness value (or the height value) for both layers after the etching step in the specification. Thus, the examiner concludes that claims 3 and 7 are rejected under 35 U.S.C first paragraphs because they contain subject matter which was not described in the specification at the time the application was filed.

7. With respect to allowable claim 5-6 and 8, the applicants disagree with the examiner's reason for indication allowable subject matter. However, the applicants did not distinctly and specifically point out the supposed errors in the reason for indication allowable subject matter. Therefore, the examiner still maintains the reason for indication allowable subject matter with respect to claims 5-6, 8 in previous office action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh X Tran whose telephone number is (703) 308-1867. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G Norton can be reached on (703) 305-2667. The fax phone

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number for the organization where this application or proceeding is assigned is (703)
872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Binh X. Tran

NADINE G. NORTON
PRIMARY EXAMINER

